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followed by a similar work on banking, as he proposes, the two volumes will afford a comprehensive and up-to-date presentation of the monetary and banking problem.

*New York.*

CHARLES A. CONANT.

**Smith, F. E. and Sibley, N. W.** *International Law as Interpreted During the Russo-Japanese War.* Pp. xi, 494. London: T. Fisher Unwin. Imported by Boston Book Co., 1905.

This is a useful but hardly an authoritative work, by two English barristers, designed to discuss those questions of international law raised during the late conflict between Russia and Japan. Many such questions were brought to the front mainly by the action of Russia and some of which were entirely new. But the real significance of the war from the standpoint of international law, say the authors, was the indifference with which Russia treated the rights of neutrals as those rights had hitherto been understood. Her principal offenses were her refusal to recognize any distinction between absolute and conditional contraband, in placing coal, cotton and food stuffs on the contraband list and in making destination instead of use the test of liability to capture; her claim to destroy neutral vessels before condemnation by a prize court; her infringement of Chinese neutrality; her use of criminal convicts as volunteers; her indiscriminate planting of mines outside of territorial waters and her claim to treat newspaper correspondents as spies. In addition to these offenses against the law of nations she is charged with violating the Declaration of Paris and the treaties closing the Bosphorus and Dardanelles, by sending volunteer cruisers through those straits to prey upon neutral vessels; with violating the provisions of the Hague Convention relating to the treatment of prisoners of war; and with violating the customary usages of modern warfare so far as they relate to enemy subjects. At the outbreak of hostilities all enemy subjects were expelled from the viceroyalty of the East without opportunity to wind up their business affairs and dispose of their property, and enemy merchant vessels were allowed only 48 hours to leave Russian ports. This illiberal policy may be contrasted with the action of Japan and with that of the United States during the War with Spain, although the authors make no reference to it. Where the Russian government allowed 48 hours for the departure of enemy vessels Japan allowed seven days and the United States allowed 30 days (Proc. of Pres. McKinley April 26, 1898) and the capture of such vessels on their return voyage to Spain was forbidden unless they carried contraband of war. Furthermore Spanish merchant vessels which had cleared for a port of the United States before the outbreak of hostilities were allowed to enter such port, discharge their cargoes and depart without molestation. Finally this already liberal rule was extended by a decision of the Supreme Court in the case of the *Buena Ventura*. Instead of expelling Russian subjects from Japanese territory the Japanese government allowed them to remain upon the sole condition that they register according to rules prescribed by the government. The only serious offense committed by Japan against the rights of neutrals during the war was the cutting out of the *Ryeshetelni* from the neutral

port of Chefoo—an act which the Japanese attempted to justify, on the ground that the Chinese government persistently allowed its ports to be made harbors of refuge which the Russian ports did not afford. With the exception of this incident and the further charge that the Japanese were guilty of violating the Geneva convention in firing upon a Red Cross train, a charge which the Japanese emphatically denied, Japan's conduct throughout the war was strictly in accord with the most enlightened usages of modern warfare. The Russian charge that the Japanese were guilty of treachery as well as a flagrant breach of international law in beginning hostilities in advance of a formal notification was, as the authors clearly show, entirely without justification and they might have added it was made with ill grace, for Russia's own invasions of Finland in 1809 and of Moldavia and Wallachia in 1877 were begun before a declaration of hostilities. The truth is Japan's action in formally breaking off negotiations several days in advance of hostilities was equivalent to a declaration of war and was all and even more than the usages of war require. It deserves to be said to the credit of the Czar, a fact which the authors overlook in their apparent desire to make as black a case for Russia as possible, that shortly after the beginning of hostilities he issued an order announcing that the government in prosecuting hostilities would observe the Geneva convention, the Declaration of St. Petersburg, two of the Hague Conventions and the three Declarations of the Hague Conference relative to the interdiction of certain implements of warfare. As a signatory of these instruments the Russian government was, of course, bound to observe them but in going out of the way to make public proclamation of the fact (which the Mikado did not) the Czar gave evidence of his desire that the war should be conducted in accordance with the most humane usages of warfare. It should also be said that there were no serious infractions of these rules by the Russians throughout the war. The Russian doctrine of contraband is freely discussed by the authors though not in an entirely satisfactory manner. It would have been interesting to compare the Russian practice with that of the United States during the war with Spain when coal was made contraband only when destined for a naval station, a port of call or a ship or ships of the enemy, and provisions were likewise to be condemned only when destined for the ships of the enemy or for a besieged place, thus recognizing a clear distinction between articles intended for hostile use and innocent use. Under the Russian doctrine a cargo of soft coal intended for use in the cotton factories of Osaka was liable to condemnation equally with a cargo of anthracite intended for the Japanese navy and so was a consignment of cotton intended for the manufacture of clothing for non-combatants equally with cotton intended for the manufacture of explosives. The authors might have pointed out Russia's inconsistency in putting coal on the contraband list in the late war, for it is a matter of record that at the West African Conference of 1884 the Russian delegate went out of his way to protest vigorously against the inclusion of coal among articles of contraband and declared that his government would categorically refuse its consent to any convention which should recognize coal as such.

The authors have included a chapter on wireless telegraphy in war, the greater part of which is devoted to a discussion of the action of the London *Times* correspondent in sending messages by this method. Curiously enough nothing is said of the action of the Russians while besieged at Port Arthur in communicating by wireless message with the Russian Consulate at the neutral port of Chefoo 75 miles distant, at which place a receiving station had been erected. The right of a neutral to permit the erection of a station within its territory for the receipt of messages for the use of a belligerent was thus for the first time raised in a war and should and probably will receive consideration from the forthcoming Hague Conference.

The chief criticism of the work under review is that it omits much that should be included and includes much that should be left out. There is an appendix of nearly one hundred pages although the rules of war issued by the two belligerents are not included. Nowhere is there any mention of the Hay note for the localization and limitation of the area of hostilities which was approved by all the great powers, including the belligerents themselves. There is a long chapter on international arbitration which contains an unsatisfactory review of the recent cases brought before the Hague Tribunal. This chapter might well have been omitted for there was no instance of arbitration during the war. The submission of the question of the Dogger Bank incident to an international commission of inquiry in pursuance of the Hague Convention was an important feature of the war but it was not a case of arbitration. There is also a hundred page chapter on the law of blockade although this branch of international law was not drawn in question during the war. Finally the work bears evidence of haste in preparation and carelessness of writing. Newspaper reports, chiefly dispatches to the London *Times*, are the main sources of information for the discussion of the international questions raised during the war. No treatise based on such sources can be regarded as final and authoritative.

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**Spargo, John.** *The Bitter Cry of the Children.* Pp. viii, 337. Price \$1.50. New York: The Macmillan Co., 1906.

"There have been many books written about the children of the poor, but, none of them gives us so impressive a statement as is contained here of the most important and powerful cause of poverty." This prefatory judgment of Robert Hunter will be passed on by every one who reads of underfed children as described by Mr. Spargo. The book will live and will set hundreds of teachers and social workers and philanthropists to work in villages and cities throughout the country.

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